


Date: November 12, 2020

To: All DD Waiver, Mi Via Waiver, Medically Fragile Waiver, Supports Waiver, and State General Fund Providers

From: Scott Doan, Deputy Director 
Developmental Disabilities Supports Division

Through: Jason Cornwell, Acting Deputy Cabinet Secretary 
New Mexico Department of Health

Subject: Process for Utilizing Asymptomatic COVID-19 Positive Direct Support Professionals when a Direct Service Provider Agency is experiencing an outbreak and a Staffing Shortage Crisis

A staffing shortage crisis is defined as when there is ***no longer an adequate number of available Direct Support Professionals (DSP) to provide services and supports to individuals.*** This guidance is based on the Centers for Disease Control Strategies to Mitigate Healthcare Personnel Shortages (please see <https://www.cdc.gov/coronavirus/2019-ncov/hcp/mitigating-staff-shortages.html>). This process applies to all DSPs working with any waiver recipient, regardless of Waiver or program. Direct Service Provider agencies also includes direct hire employees and vendor agencies for participants in Medically Fragile Waiver and Mi Via Waiver self-directed programs.

- Direct Service Provider agencies must receive approval from the Developmental Disabilities Supports Division (DDSD) to allow asymptomatic COVID-19 positive Direct Support Professionals (DSP) to work with individuals in service who have tested positive for COVID-19.
 - **Asymptomatic COVID-19 positive DSPs cannot work with individuals who have not been confirmed as COVID-19 positive. Therefore, asymptomatic COVID-19 positive DSPs can ONLY work with individuals who have ALSO been confirmed as COVID-19 positive.**
- DDSD will process each request from the Direct Service Provider agency and provide the DDSD Director (or designee) with a recommendation to approve or deny. Each request will be determined on an agency case by case basis. Medically Fragile and Mi Via Waiver requests will be determined on a participant case by case basis.
- Direct Service Provider agencies must make requests in writing via email (containing no protected health information) or via Therap scomm; requests must be sent to the following DDSD Staff:
 - **DD Waiver:** Please send your request to your respective Regional Director.
 - Metro Regional Office: Michael Driskell michael.driskell@state.nm.us
 - Northwest Regional Office: Michele Groblebe michele.groblebe@state.nm.us
 - Northeast Regional Office: Angela Pacheco angela.pacheco@state.nm.us
 - Southeast Regional Office: Michelle Lyon michelle.lyon@state.nm.us
 - Southwest Regional Office: Angie Brooks angie.brooks@state.nm.us

- **Mi Via Waiver:** Please send your request to Jennifer Rodriguez, Community Programs Bureau Chief at jennifer.rodriguez@state.nm.us
 - **Medically Fragile Waiver:** Please send your request to Iris Clevenger, Medically Fragile Waiver Program Manager at iris.clevenger@state.nm.us
 - **Supports Waiver:** Please send your request to Jennifer Roth, Supports Waiver Program Manager at jennifer.roth@state.nm.us
 - **State General Fund:** Please send your request to Juanita Salas, State General Fund Program Manager at juanita.salas@state.nm.us
- DDSD will inquire about DSP capacity (shortages) upon each request from the Direct Service Provider agency.
 - The DDSD Director (or designee) will decide to approve or deny based on a review of the information provided.
 - The determination to approve or deny will be placed in writing to the Direct Service Provider agency.
 - Approvals will be granted for up to 30 calendar days.
 - Upon approval, the agency Director must keep DDSD apprised of any change in staffing status and home(s) that have been impacted.

In order to make the request, the Direct Service Provider agency must have activated its COVID-19 Emergency Staffing Plan and must be experiencing a current outbreak of COVID-19 and a subsequent, immediate, DSP staffing shortage. To be clear, agencies do not have to exhaust all staffing resources listed below prior to making the request.

It is the expectation of DDSD that agencies continue to explore all avenues to obtain additional staffing support; resources to consider for additional staffing support are as follows:

- Reassign DSP from other services within the agency. Example: Utilize Customized Community Support Staff to cover Residential shifts.
- Contact related Direct Service Provider agencies to secure additional DSP staffing support.
- Contact temporary staffing agencies to secure additional DSP staffing support.
- Contact other nearby health care facilities, partners, or local health career centers to secure additional DSP staffing support.
- Utilize on-line platforms to recruit additional DSP.
- In specific circumstances, reach out to the Managed Care Organization Care Coordinator to seek additional resources such as home health services.
- Exhaust all possible resources including combining homes, exceed current staffing ratios when applicable and when safe, hire family members and legal guardians to increase staffing support (all options are currently approved in Appendix K, Version #1).
- Exhaust all possible resources to include exploring the possibility and appropriateness of having the individual who tested positive for COVID-19 hospitalized and/or transferred to a COVID-19 alternative care site.

Upon receipt of DDSD approval to implement this plan, the following processes must be followed:

• **Screening and Monitoring of Symptoms:**

- Asymptomatic COVID-19 positive DSPs must monitor themselves closely for any new symptoms associated with COVID-19 (e.g., measured or subjective fever, cough, shortness of breath, chills, headache, muscle pain, sore throat, or loss of taste or smell), and measure their temperature daily prior to going to work. DSPs must report any changes to their supervisors immediately.
- Provider agencies must log all DSP and actively screen all asymptomatic COVID-19 positive DSPs at the beginning of each shift for symptoms and exclude them from work if symptoms develop.
- If Asymptomatic COVID-19 positive DSPs develop any symptoms or have a measured body temperature of $\geq 100.4^{\circ}$ Fahrenheit, that DSP must remain at home and promptly notify their supervisor of this change; they cannot work in the home.
- If at work when fever or any symptoms develop, asymptomatic COVID-19 positive DSPs should immediately notify their supervisor to arrange for coverage, once coverage arrives, they must go home, and seek medical attention as necessary. They may not return to work with fever or symptoms.

• **Personal Protective Equipment and Cleaning:**

- Asymptomatic COVID-19 positive DSPs must always practice diligent hand hygiene and wear a N95 face mask for source control during their scheduled shift. Gloves should be used for personal care tasks as needed.
- Asymptomatic COVID-19 positive DSPs must separate themselves from others if they need to remove their N95 face mask and must wash hands afterward.
- Provider agencies must assure asymptomatic COVID-19 positive DSPs wear a N95 face mask at all times and gowns and gloves as appropriate.
- Providers must continue to maintain routine cleaning and sanitizing of commonly touched surfaces including personal and shared electric devices or remote technology.

• **Delivery of Services and Supports:**

- Asymptomatic COVID-19 positive DSPs should provide direct care via remote technology whenever possible and as appropriate and applicable to any individual.
- Asymptomatic COVID-19 positive DSPs can only provide face to face direct care for individuals with a confirmed COVID-19 diagnosis and only in a home identified by the Direct Service Provider agency as a “COVID-19 home” (all individuals and asymptomatic DSP in the home must be COVID-19 positive).
- Non COVID-19 positive DSP can work in a “COVID-19 home” utilizing the necessary personal protective equipment. The decision to utilize Non COVID-19 positive DSP in a “COVID-19 home” is between the agency and the employee.
- Provider agencies must know and document the home in which the asymptomatic COVID-19 positive DSP is working.

- Provider agencies must document the shifts worked by the asymptomatic COVID-19 positive DSP and the individuals who receive direct care from these DSPs.
- Staffing of homes is entirely at the discretion of the Direct Service Provider agency during this crisis. Providers should keep guardians informed of changing staffing situations per individual and home.
- Provider agencies must not allow asymptomatic COVID-19 positive DSPs with confirmed COVID-19 to work after the agency is no longer in a staffing crisis.